

Appendix IV
Sample Legislation

Sample Legislation
for
Recommendation 10
[Toll Equity]

By: Wentworth

S.J.R. No. 3

SENATE JOINT RESOLUTION

1-1 proposing a constitutional amendment in aid of turnpikes, toll
1-2 roads, and toll bridges.

1-3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Section 52-b, Article III, Texas Constitution, is
1-5 amended to read as follows:

1-6 Sec. 52-b. The Legislature shall have no power or authority
1-7 to in any manner lend the credit of the State or grant any public
1-8 money to, or assume any indebtedness, present or future, bonded or
1-9 otherwise, of any individual, person, firm, partnership,
1-10 association, corporation, public corporation, public agency, or
1-11 political subdivision of the State, or anyone else, which is now or
1-12 hereafter authorized to construct, maintain or operate toll roads
1-13 and turnpikes within this State except that the Legislature may
1-14 authorize the Texas Department of Transportation to expend money,
1-15 from any source available, for the construction, maintenance, and
1-16 operation by the Department, an agency of this State, or a
1-17 political subdivision of this State [costs] of turnpikes, toll
1-18 roads, and [or] toll bridges [of the Texas Turnpike Authority, or
1-19 successor agency, provided that any monies expended out of the
1-20 state highway fund shall be repaid to the fund from tolls or other
1-21 turnpike revenue].

1-22 SECTION 2. This proposed constitutional amendment shall be
1-23 submitted to the voters at an election to be held November 2, 1999.
1-24 The ballot shall be printed to permit voting for or against the
2-1 proposition: "The constitutional amendment to authorize the Texas
2-2 Department of Transportation to expend money for turnpikes, toll
2-3 roads, and toll bridges."

By: Wentworth

S.B. No. 925

A BILL TO BE ENTITLED
AN ACT

1-1 relating to the participation of the Texas Department of
1-2 Transportation in the construction, maintenance, and operation of
1-3 toll facilities.

1-4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-5 SECTION 1. Section 222.103, Transportation Code, is amended
1-6 to read as follows:
1-7 Sec. 222.103. COST PARTICIPATION. (a) The department may
1-8 participate, by spending money from any available source, in the
1-9 cost of the construction, maintenance, or operation of a toll
1-10 facility of a public or private entity on terms and conditions
1-11 established by the commission. The commission may require the
1-12 repayment of any money spent by the department under this
1-13 subsection [~~including requirements for repayment~~].
1-14 (b) [~~An entity receiving cost participation from the~~
1-15 ~~department under this section is a successor agency to the Texas~~
1-16 ~~Turnpike Authority for the purposes of Section 52 b, Article III,~~
1-17 ~~Texas Constitution.~~]
1-18 [~~(c)~~] On the request of a member of the legislature, the
1-19 department shall provide the member a status report on all highway
1-20 construction projects, by legislative district, that are under
1-21 contract or awaiting funding. The report shall include projects
1-22 that would be funded in any manner by state, federal, or toll
1-23 funds.
1-24 (c) [~~(d)~~] On the request of a member of the legislature, not
2-1 later than the 90th day before the date an expenditure is made or a
2-2 loan is granted by the department for a project under this section,
2-3 the department shall notify each member of the legislature that
2-4 represents any part of the area affected by the project of the
2-5 status of the project and how any other project in any other
2-6 district would be affected.

2-7 SECTION 2. Subsection (b), Section 361.184, Transportation
2-8 Code, is amended to read as follows:
2-9 (b) The board may transfer, or direct the authority to
2-10 transfer, into the project revolving fund money from any
2-11 permissible source, including:
2-12 (1) money from a surplus fund established for a
2-13 turnpike project if the remainder of the surplus fund is not less
2-14 than any minimum amount required by the trust agreement to be
2-15 retained for that project;
2-16 (2) money received under Subchapter I or from a
2-17 transfer of a turnpike project under Subchapter H;
2-18 (3) money [~~advances~~] from the state highway fund [~~if~~
2-19 ~~the advances are repaid as required by Section 52 b, Article III,~~
2-20 ~~Texas Constitution~~]; and
2-21 (4) contributions or assistance from the United
2-22 States, another state, a political subdivision of this state, the
2-23 United Mexican States, or a political subdivision of the United
2-24 Mexican States.

2-25 SECTION 3. Section 361.191, Transportation Code, is amended
2-26 to read as follows:
3-1 Sec. 361.191. EXPENDITURE OF MONEY AUTHORIZED BY DEPARTMENT
3-2 OF TRANSPORTATION. (a) The Texas Department of Transportation may
3-3 provide for the expenditure of money for the cost of the
3-4 construction, maintenance, or operation of a turnpike project by
3-5 the authority.
3-6 (b) The department may require the authority to repay money
3-7 provided to the authority under Subsection (a) from toll revenue
3-8 or other sources and on terms established by the commission [~~if~~
3-9 ~~money from the state highway fund is spent under this section, the~~
3-10 ~~fund shall be repaid from tolls or other turnpike revenue~~].
3-11 SECTION 4. Subsections (e) and (f), Section 362.004,
3-12 Transportation Code, are amended to read as follows:

3-13 (e) If the department spends money [~~from the state highway~~
3-14 ~~fund is spent~~] under an agreement under this section, the
3-15 commission may require the authority to [shall] repay that money
3-16 [the fund] from toll revenue or other sources and on terms
3-17 established by the commission [tolls or other turnpike revenue].

3-18 (f) If the commission finds that the state highway system,
3-19 the state's transportation needs, and overall mobility of the
3-20 traveling public will be enhanced, the commission may enter into an
3-21 agreement with the authority providing for the advance of funds to
3-22 the authority to be used for any purpose of the revolving fund
3-23 established and administered by the authority under Section
3-24 361.184. The commission may require the authority to repay funds
3-25 advanced under this subsection from toll revenue or other sources
3-26 and on terms established by the commission~~[, provided that any~~
4-1 ~~money advanced out of the state highway fund shall be repaid to the~~
4-2 ~~fund from tolls or other turnpike revenue].~~

4-3 SECTION 5. This Act takes effect on the date on which the
4-4 constitutional amendment proposed by S.J.R. No. 3, 76th
4-5 Legislature, Regular Session, 1999, takes effect. If that
4-6 amendment is not approved by the voters, this Act has no effect.

Sample Legislation
for
Recommendation 11
[Separated Toll Fund]

AN ACT

1-1 relating to funds maintained by and for the Texas Turnpike
 1-2 Authority division of the Texas Department of Transportation.
 1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-4 SECTION 1. Section 361.182, Transportation Code, is amended
 1-5 by amending Subsection (a) and adding Subsections (g) and (h) to
 1-6 read as follows:
 1-7 (a) The authority shall maintain the Texas Turnpike
 1-8 Authority feasibility study fund. The fund is a revolving fund
 1-9 held in trust by a banking institution chosen by the authority or,
 1-10 at the discretion of the authority, in trust in the state treasury
 1-11 outside the general revenue fund. The fund [and] shall be kept
 1-12 separate from the money for any project.
 1-13 (g) Interest and income earned on money deposited in the
 1-14 feasibility study fund shall be deposited to the credit of the
 1-15 fund.
 1-16 (h) Money transferred to the department for the benefit of
 1-17 the authority under Section 8.02, Chapter 1171, Acts of the 75th
 1-18 Legislature, Regular Session, 1997, shall remain in the state
 1-19 treasury and may not be transferred to a private banking
 1-20 institution. This money is exempt from the application of Section
 1-21 403.095, Government Code, and is not subject to reduction or
 1-22 elimination under any other provision of the Government Code.
 1-23 SECTION 2. Section 361.184, Transportation Code, is amended
 1-24 by amending Subsection (a) and adding Subsections (e) and (f) to
 2-1 read as follows:
 2-2 (a) The authority may maintain the Texas Turnpike Authority
 2-3 project revolving fund. The fund is a revolving fund held in trust
 2-4 by a banking institution chosen by the authority or, at the
 2-5 discretion of the authority, in trust in the state treasury outside
 2-6 the general revenue fund. The fund [and] shall be kept separate
 2-7 from other funds of the authority.
 2-8 (e) Interest and income earned on money deposited in the
 2-9 project revolving fund shall be deposited to the credit of the
 2-10 fund.
 2-11 (f) Money transferred to the department for the benefit of
 2-12 the authority under Section 8.02, Chapter 1171, Acts of the 75th
 2-13 Legislature, Regular Session, 1997, may not be deposited in the
 2-14 project revolving fund.
 2-15 SECTION 3. Subsection (a), Section 361.185, Transportation
 2-16 Code, is amended to read as follows:
 2-17 (a) All money received under this chapter, whether as
 2-18 proceeds from the sale of bonds or as revenue, is a trust fund to
 2-19 be held and applied as provided by this chapter. Notwithstanding
 2-20 any other law, including Section 9, Chapter 1123, Acts of the 75th
 2-21 Legislature, Regular Session, 1997, funds held under this chapter
 2-22 shall be held in trust by a banking institution chosen by the
 2-23 authority or, at the discretion of the authority, in trust in the
 2-24 state treasury outside the general revenue fund.
 2-25 SECTION 4. Section 8.06, Chapter 1171, Acts of the 75th
 2-26 Legislature, Regular Session, 1997, is repealed.
 3-1 SECTION 5. The importance of this legislation and the
 3-2 crowded condition of the calendars in both houses create an
 3-3 emergency and an imperative public necessity that the
 3-4 constitutional rule requiring bills to be read on three several
 3-5 days in each house be suspended, and this rule is hereby suspended.

 President of the Senate

I hereby certify that S.B. No. 1751 passed the Senate on
 May 18, 1999, by a viva-voce vote.

 Speaker of the House

 Secretary of the Senate

I hereby certify that S.B. No. 1751 passed the House on
 May 26, 1999, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Sample Legislation
for
Recommendation 12
[Conforming TTA with RTA]

76R16281 DRH-F

By Cain

S.B. No. 1647

Substitute the following for S.B. No. 1647:

By Alexander

C.S.S.B. No. 1647

A BILL TO BE ENTITLED

AN ACT

1-1 relating to the powers and duties of the Texas Turnpike Authority
 1-2 division of the Texas Department of Transportation.

1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Subsection (a), Section 284.008, Transportation
 1-5 Code, is amended to read as follows:

1-6 (a) The commission may:

1-7 (1) provide for and contribute toward the acquisition,
 1-8 construction, improvement, operation, maintenance, or pooling of a
 1-9 project under this chapter and under terms to which the commission
 1-10 and the local government corporation or county agree that are
 1-11 consistent with the rights of bondholders or a person operating the
 1-12 project under a lease or other contract;

1-13 (2) lease a project under terms:

1-14 (A) to which the county or local government
 1-15 corporation acting under this chapter and the commission agree; and

1-16 (B) that are consistent with the bond
 1-17 instrument; ~~and~~

1-18 (3) declare any part of a project under this chapter
 1-19 to be a part of the state highway system ~~and operate any part of a~~
 1-20 ~~project as part of the state highway system~~, to the extent that
 1-21 property and contract rights in the project and bonds are not
 1-22 affected unfavorably; and

1-23 (4) operate any part of a project under this chapter
 2-1 as part of the state highway system or authorize the lease, sale,
 2-2 or conveyance of any part of a project to the Texas Turnpike
 2-3 Authority division of the department.

2-4 SECTION 2. Subdivision (4), Section 361.001, Transportation
 2-5 Code, is amended to read as follows:

2-6 (4) "Turnpike project" means a ~~toll~~ highway
 2-7 constructed, maintained, or operated under this chapter as part of
 2-8 the state highway system and any improvement, extension, or
 2-9 expansion to the highway and includes:

2-10 (A) a facility to relieve traffic congestion and
 2-11 promote safety;

2-12 (B) a bridge, tunnel, overpass, underpass,
 2-13 interchange, entrance plaza, approach, toll house, service road,
 2-14 ramp, or service station;

2-15 (C) an administration, storage, or other
 2-16 building the authority considers necessary to operate the project;
 2-17 ~~and~~

2-18 (D) property rights, easements, and interests
 2-19 the authority acquires to construct or operate the project; and

2-20 (E) a parking area or structure, rest stop,
 2-21 park, and any other improvement or amenity the authority considers
 2-22 necessary, useful, or beneficial for the operation of a turnpike
 2-23 project.

2-24 SECTION 3. Section 361.004, Transportation Code, is amended
 2-25 to read as follows:

2-26 Sec. 361.004. CONSTRUCTION COSTS. (a) The cost of
 2-27 acquisition, construction, improvement, extension, or expansion of
 3-1 a turnpike project under this chapter includes the cost of:

3-2 (1) the actual acquisition, construction, improvement,
 3-3 extension, or expansion of the project;

3-4 (2) acquisition of real property, rights-of-way,
 3-5 property rights, easements, and interests;

3-6 (3) machinery and equipment;

3-7 (4) interest before, during, and for one year after
 3-8 construction, improvement, extension, or expansion;

3-9 (5) traffic estimates, engineering and legal services,
 3-10

3-11 plans, specifications, surveys, appraisals, cost and revenue
3-12 estimates, and other expenses necessary or incident to determining
3-13 the feasibility of the construction, improvement, extension, or
3-14 expansion;

3-15 (6) necessary or incidental administrative, legal, and
3-16 other expenses;

3-17 (7) financing; and
3-18 (8) placement of the project in operation and expenses
3-19 related to the initial operation of the turnpike project.

3-20 (b) Costs attributable to a turnpike project for which bonds
3-21 are issued that are incurred before the issuance of the bonds may
3-22 be reimbursed from the proceeds of the sale of the bonds.

3-23 SECTION 4. Subsections (b) through (g), Section 361.031,
3-24 Transportation Code, are amended to read as follows:

3-25 (b) The authority may perform, procure from other divisions
3-26 of the department with the consent of the department, or procure
3-27 from outside service providers any portion of the services the
4-1 authority requires for:

4-2 (1) right-of-way acquisition;
4-3 (2) roadway finance, design, and construction;
4-4 (3) environmental affairs; [~~or~~]
4-5 (4) legal services;
4-6 (5) roadway maintenance;
4-7 (6) toll revenue collection; or
4-8 (7) traffic operations.

4-9 ~~(c) [With the approval of the commission, the authority may~~
4-10 ~~perform, procure from other divisions of the department with the~~
4-11 ~~consent of the department, or procure from outside service~~
4-12 ~~providers any portion of the services the authority requires for~~
4-13 ~~roadway maintenance, toll revenue collection, or traffic~~
4-14 ~~operations.]~~

4-15 [~~(d)~~] To perform its functions under this chapter, the
4-16 authority may use the facilities and personnel of the department in
4-17 the same manner as other divisions of the department.

4-18 ~~(d)~~ [~~(e)~~] If the comptroller assigns numbers to state
4-19 agencies for accounting purposes, the comptroller shall assign a
4-20 separate agency number to the authority.

4-21 ~~(e)~~ [~~(f)~~] The exercise by the authority of the powers
4-22 conferred by this chapter in the construction, operation, and
4-23 maintenance of a turnpike project is:

4-24 (1) in all respects for the benefit of the people of
4-25 this state, for the increase of their commerce and prosperity, and
4-26 for the improvement of their health and living conditions and
4-27 public safety; and

5-1 (2) an essential governmental function of the state.

5-2 (f) [~~(g)~~] The commission shall employ a director of the
5-3 authority who serves as the authority's chief administrative
5-4 officer. The director serves at the pleasure of the commission.

5-5 SECTION 5. Subsection (b), Section 361.042, Transportation
5-6 Code, is amended to read as follows:

5-7 (b) The authority may:

5-8 (1) construct, maintain, repair, and operate turnpike
5-9 projects in this state;

5-10 (2) acquire, hold, and dispose of property in the
5-11 exercise of its powers and the performance of its duties under this
5-12 chapter;

5-13 (3) with the approval of the governor and the
5-14 commission, enter into contracts or operating agreements with
5-15 similar authorities or agencies of another state, including a state
5-16 of the United Mexican States;

5-17 (4) enter into contracts or agreements necessary or
5-18 incidental to its duties and powers under this chapter;

5-19 (5) employ consulting engineers, accountants,
5-20 construction and financial experts, superintendents, managers, and
5-21 other employees and agents the authority considers necessary and

5-22 set their compensation;

5-23 (6) employ attorneys to advance or defend legal

5-24 actions pertaining to the division's activities, notwithstanding

5-25 any other law to the contrary, including Section 402.0212,

5-26 Government Code;

5-27 (7) receive grants for the construction of a turnpike

6-1 project and receive contributions of money, property, labor, or

6-2 other things of value from any source to be used for the purposes

6-3 for which the grants or contributions are made;

6-4 (8) adopt and enforce rules[, ~~if the commission~~

6-5 ~~concurs,~~] not inconsistent with this chapter for the use of any

6-6 turnpike project, including rules establishing speed limits and

6-7 maximum allowable vehicle and load weight limits for turnpike

6-8 projects; [and]

6-9 (9) engage in marketing, advertising, and other

6-10 activities to promote the development and use of turnpike projects

6-11 and may enter into contracts or agreements necessary to procure

6-12 marketing, advertising, or other promotional services from outside

6-13 service providers;

6-14 (10) form, develop, or utilize a corporation created

6-15 under Chapter 431 for the promotion and development of turnpike

6-16 projects; and

6-17 (11) do all things necessary or appropriate to carry

6-18 out the powers expressly granted by this chapter.

6-19 SECTION 6. Section 361.054, Transportation Code, is amended

6-20 to read as follows:

6-21 Sec. 361.054. AUDIT. Notwithstanding any other law to the

6-22 contrary, the [The] authority shall have an independent [a]

6-23 certified public accountant audit the authority's books and

6-24 accounts at least annually. The cost of the audit may be treated

6-25 as part of the cost of construction or operation of a turnpike

6-26 project. This section does not affect the ability of a state

6-27 agency to audit the authority's books and accounts.

7-1 SECTION 7. Section 361.131, Transportation Code, is amended

7-2 to read as follows:

7-3 Sec. 361.131. POWERS AND PROCEDURES OF AUTHORITY IN

7-4 ACQUIRING PROPERTY. Except as otherwise provided by this chapter,

7-5 the authority, acting by and through the board, has the same powers

7-6 and may use the same procedures as the commission or the department

7-7 in acquiring property.

7-8 SECTION 8. Subsections (a) and (c), Section 361.132,

7-9 Transportation Code, are amended to read as follows:

7-10 (a) The authority [board] may acquire, in the name of the

7-11 state, public or private real property it determines necessary or

7-12 convenient for the construction, expansion, enlargement, extension,

7-13 improvement, or operation of a turnpike project or for otherwise

7-14 carrying out this chapter.

7-15 (c) The authority [board] may acquire the real property by

7-16 any method, including purchase and condemnation. The authority

7-17 [board] may purchase public or private real property on the terms

7-18 and at the price the authority [board] and the owner consider

7-19 reasonable.

7-20 SECTION 9. Subsection (b), Section 361.135, Transportation

7-21 Code, is amended to read as follows:

7-22 (b) The board, with the concurrence of the commission, may

7-23 condemn real property that the authority determines is:

7-24 (1) necessary or appropriate to construct or to

7-25 efficiently operate a turnpike project;

7-26 (2) necessary to restore public or private property

7-27 damaged or destroyed, including property necessary or convenient to

8-1 mitigate an environmental effect that directly results from the

8-2 construction, operation, or maintenance of a turnpike project;

8-3 (3) necessary for access, approach, service, and

8-4 interchange roads; ~~or~~

8-5 (4) necessary to provide proper drainage and ground

8-6 slope for a turnpike project; or
8-7 (5) necessary otherwise to carry out this chapter.
8-8 SECTION 10. Section 361.137, Transportation Code, is amended
8-9 by adding Subsection (f) to read as follows:
8-10 (f) After a declaration of taking is filed, the case shall
8-11 proceed as any other case in eminent domain under Chapter 21,
8-12 Property Code.
8-13 SECTION 11. Subsection (a), Section 361.141, Transportation
8-14 Code, is amended to read as follows:
8-15 (a) The authority may not pay compensation for public real
8-16 property, parkways, streets, highways, alleys, or reservations it
8-17 takes, except for:
8-18 (1) parks and playgrounds; and
8-19 (2) property acquired under restrictions and
8-20 limitations requiring payment of compensation.
8-21 SECTION 12. Section 361.171, Transportation Code, is amended
8-22 by adding Subsection (g) to read as follows:
8-23 (g) In addition to other permitted uses, the proceeds of a
8-24 bond issue may be used to pay costs incurred before the issuance of
8-25 the bonds, including costs of environmental review, design,
8-26 planning, acquisition of property, relocation assistance,
8-27 construction, and operation.
9-1 SECTION 13. Subsection (a), Section 361.179, Transportation
9-2 Code, is amended to read as follows:
9-3 (a) The authority may:
9-4 (1) impose tolls for the use of each turnpike project
9-5 and the different parts or sections of each turnpike project; and
9-6 (2) notwithstanding anything in Chapter 202 to the
9-7 contrary, contract with a person for the use of part of a turnpike
9-8 project or lease or sell part of a turnpike project, including the
9-9 right-of-way adjoining the paved portion, for any purpose,
9-10 including placing on the adjoining right-of-way a gas station,
9-11 garage, store, hotel, restaurant, railroad tracks, telephone line,
9-12 telecommunication line, telecommunications facilities and
9-13 equipment, and electric line, and set the terms for the use, lease,
9-14 or sale.
9-15 SECTION 14. Subsection (a), Section 361.181, Transportation
9-16 Code, is amended to read as follows:
9-17 (a) Notwithstanding Section 361.179 or any other provision
9-18 of this chapter to the contrary, the authority may pay the expenses
9-19 of studying the cost and feasibility and any other expenses
9-20 relating to the preparation and issuance of turnpike revenue bonds
9-21 for the construction of a proposed turnpike project by:
9-22 (1) using available revenue derived from an existing
9-23 turnpike project;
9-24 (2) borrowing money and issuing interest-bearing
9-25 evidences of indebtedness or entering into a loan agreement payable
9-26 out of available revenue anticipated to be derived from the
9-27 operation of an existing turnpike project; ~~and~~
10-1 (3) pledging available revenue anticipated to be
10-2 derived from the operation of an existing turnpike project; and
10-3 (4) using money received from the department for
10-4 feasibility studies undertaken at the request of the commission.
10-5 SECTION 15. Section 361.182, Transportation Code, is amended
10-6 by adding Subsections (g) and (h) to read as follows:
10-7 (g) The commission may request that the authority conduct a
10-8 feasibility study for any proposed turnpike project. The expenses
10-9 of a study requested by the commission shall be paid for by the
10-10 department. If the turnpike project is constructed, the department
10-11 shall be reimbursed for money paid to the authority from the
10-12 proceeds of turnpike revenue bonds issued for, or other proceeds
10-13 that may be used for, the construction, improvement, extension,
10-14 expansion, or operation of the project.
10-15 (h) Notwithstanding any other law, interest and income
10-16 earned on money in the feasibility study fund shall be deposited in

10-17 the fund.

10-18 SECTION 16. Subsection (c), Section 361.232, Transportation
10-19 Code, is amended to read as follows:

10-20 (c) If feasible, the [The] authority shall provide access to
10-21 properties previously abutting [move and replace, with an equal or
10-22 better facility,] a county or other public road that is taken for a
10-23 turnpike project and [affects or severs. The authority] shall pay
10-24 abutting property owners the expenses or [and] any resulting
10-25 damages for denial of access to the road.

10-26 SECTION 17. Section 361.234, Transportation Code, is amended
10-27 by adding Subsections (d) and (e) and redesignating existing
11-1 Subsections (d), (e), and (f) as Subsections (f), (g), and (h) to
11-2 read as follows:

11-3 (d) The authority may reduce the total costs to be paid by
11-4 the authority by 10 percent for each 30-day period or portion of a
11-5 30-day period that the relocation exceeds the limit specified by
11-6 the authority unless the utility's failure to timely perform
11-7 results from a material action or inaction by the authority or
11-8 conditions that the authority agrees were beyond the reasonable
11-9 control of the utility. If an owner or operator of a public
11-10 utility facility does not timely remove or relocate the facility as
11-11 required under Subsection (b) and the authority relocates the
11-12 facility, the authority shall relocate the facility in a safe
11-13 manner that complies with applicable law and utility construction
11-14 standards recognized by the authority and that minimizes disruption
11-15 of utility service and notify the public utility of the relocation.
11-16 Relocation of a public utility facility by the authority is at the
11-17 expense of the public utility unless the authority determines that
11-18 the failure of the public utility to timely relocate the facility
11-19 was the result of circumstances beyond the control of the utility,
11-20 in which case the authority shall pay the cost of the relocation.

11-21 (e) Notwithstanding anything in this chapter to the
11-22 contrary:

11-23 (1) Subchapter B, Chapter 181, Utilities Code, applies
11-24 to the laying and maintenance of pipes, mains, conductors, and
11-25 other facilities used for conducting gas by a gas utility described
11-26 in that subchapter through, under, along, across, and over a
11-27 turnpike project constructed by the authority; and

12-1 (2) the authority has the powers and duties assigned
12-2 to the commission by that subchapter.

12-3 (f) Notwithstanding anything in this chapter to the
12-4 contrary, Subchapter C, Chapter 181, Utilities Code [Chapter 228,
12-5 Acts of the 51st Legislature, Regular Session, 1949 (Article 1436a,
12-6 Vernon's Texas Civil Statutes)], applies to the erection,
12-7 construction, maintenance, and operation of lines and poles owned
12-8 by an electric utility [a corporation] described by Section 181.041
12-9 [4] of that subchapter [Act] over, under, across, on, and along a
12-10 turnpike project constructed by the authority. The authority has
12-11 the powers and duties delegated to the commission by that
12-12 subchapter [Chapter 228, Acts of the 51st Legislature, Regular
12-13 Session, 1949 (Article 1436a, Vernon's Texas Civil Statutes)].

12-14 (g) [+e)] Notwithstanding anything in this chapter to the
12-15 contrary, the laws of this state applicable to the use of public
12-16 roads, streets, and waters of this state by a telephone and
12-17 telegraph corporation apply to the erection, construction,
12-18 maintenance, location, and operation of a line, pole, or other
12-19 fixture by a telephone and telegraph corporation over, under,
12-20 across, on, and along a turnpike project constructed by the
12-21 authority.

12-22 (h) [+f)] In this section, "public utility facility" means a
12-23 track, pipe, main, conduit, cable, wire, tower, pole, or other item
12-24 of equipment or an appliance of a public utility or other person.

12-25 SECTION 18. The heading to Subchapter H, Chapter 361,
12-26 Transportation Code, is amended to read as follows:

12-27 SUBCHAPTER H. TRANSFER OR ACQUISITION OF TURNPIKE PROJECT

15-12 constitutional rule requiring bills to be read on three several
15-13 days in each house be suspended, and this rule is hereby suspended.